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BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER LASHLEY, LAUREL L	
			ART UNIT 2132	PAPER NUMBER

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,943

Applicant(s)

MISCHENKO ET AL.

Examiner

Laurel Lashley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/10/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 6A) 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendments

1. Applicant's amendments/arguments with respect to cancelled claims 1 – 12 and added claims 13 – 24 filed 10 March 2006 have been fully considered but are not persuasive. Amendments to the specification have been accepted.

Specification

2. The (replacement) specification is objected to because of the following informalities:
- Use of reference characters that are not enclosed within parentheses (see page 9, last paragraph: input and output unit).
 - Labeling/naming convention should be consistent throughout Application (see page 14: making decision unit; page 15: decision making unit)
 - All the *Content of Specification* are not included, e.g. the Brief Description of the Several Views of the Drawings is missing.

The identified informalities are exemplary. Appropriate correction is expected throughout the entire application.

Claim Objections

3. Claims 14 and 15 are objected to as being in improper form because they depend from an independent claim that has been cancelled. The Examiner has interpreted the claims to depend from independent claim 13. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitations "the first part" and "the second part". There is insufficient antecedent basis for this limitation in the claim.

Response to Arguments

Applicants' arguments have been considered but are not persuasive. With regard to claim 13, the Applicants contend that Nakamura fails to teach several limitations of the independent claim such as "determining a number (n) of cycles for transformation of initial data under a predetermined criterion", "generating a random number (R_i) which determines a characteristic function used for transformation of the data in the current transformation cycle (i)", "forming a cycle data (C_i) and an accessory data (F_j) as a result of transformation of the initial data in each cycle" and "forming an encoded data having two parts, wherein the first part includes a finally transformed data (C_n) and the second part includes and accessory data array ($F = \{F_1, F_2, \dots, F_n\}$)", the Examiner respectfully disagrees.

As it relates to claim 13, the Examiner believes that the program counter determines the number of commands in order to sequentially generate a succession location, therefore it must determine where/how much succession. The random number is generated by the accumulator, which is coupled to the control circuit, which controls the activities of mechanisms used. The cyclic recurrence is based on the accumulator. If no match is found, the transformation continues. Meanwhile, the discriminating circuit receives data, which is then processed to the selecting circuit whereby the data (cycle data) is the initial data, subject to the transformation cycles in part (i.e. accessory data). Additionally, based on the least significant bits either being "0" or "1", the first or second instruction decoders are used. Therefore the instructions are of

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different types; decoding of one instruction type without the other would yield an incomplete/incomprehensible result. (see column 1, lines 55 – 62; column 2, lines 53 – 58; column 3, lines 16 – 18, 25 – 30, 35 – 37, 42 – 47, 49; column 4, lines 2, 12 - 17)

For claim 14 and similarly claim 15, the Applicants' contends that Nakamura fails to teach "wherein the length of the cycle data (C_i) is shorter than or equal to the length of the initial data, the predetermined criterion determines the length of the finally transformed data (C_n), and the length of the finally transformed data (C_n) is shorter than the length of the initial data", the Examiner respectfully disagrees.

Nakamura teaches the use of address bits and the data (cycle data) is read in at a specific length and read out at a corresponding or differing length. Therefore depending on the data being read, the lengths are variable as in Applicants claimed invention (see column 2, lines 65 – 67; see column 3, lines 18 – 22 and 30 – 33; column 8, lines 39 – 40).

Applicant's argument regarding claim 16 is also in disagreement by the Examiner whereby the applicant states that Nakamura does not teach the additional feature "wherein the cycle data (C_i) transformed in the cycle (i) and/or the accessory data (F_i) for the cycle (i) are mixed during at least one transformation cycle." The Examiner believes that storing the two instructions codes together is equivalent to mixing or adding the data during the transformation cycles. Thereby the instructions, which are different before they are mixed or added, are then transformed during a cycle (see column 3, lines 15 – 24).

For claims 17 and 18, the Applicants also contends that Nakamura fails to teach the additional feature "wherein a certain part of the accessory data (F_i) for the cycle (i) is added to the cycle data (C_i) transformed in the cycle (i) during at least one transformation cycle", the Examiner respectfully disagrees. For reasons analogous to claim 16, the rejections of these claims are maintained.

As for claim 19, the Applicants arguments that Nakamura fails to teach the limitations of "a random number generator, electrically disposed between the decision making unit and the database, for generating a random number (R_i) and outputting the feature (R_i) to the database", "a transformation unit in electrical communication with the input unit and the database, the transformation unit adapted to transform information during each transformation cycle and output cycle data (C) and accessory data (F_i)", "a storage for transformed information for storing cycle data (C_i) inputted from the transformation unit, the storage for transformed information connected to the decision making unit for communication therewith", "a storage for accessory information for storing accessory data (F_i) inputted from the transformation unit into an accessory data array ($F = \{F_1, F_2, \dots, F_n\}$), the storage for accessory information in electrical communication with the decision making unit for receiving instructions therefrom", "a decision making unit in electrical communication with the input unit, the decision making unit adapted for making a decision on termination of the encoding process or on switching to the next cycle of encoding, and for outputting corresponding commands", and "a commutator having an at least one input and an at least one output, the at least one input for receiving instructions from the decision making unit and for receiving cycle data (C_i) from the storage for transformed information, the commutator adapted to output the cycle data (C_i) to the transformation unit unless instructions to terminate the encoding process are received from the decision making unit," the Examiner respectfully disagrees.

The accumulator that is coupled to the control circuit, which controls the activities of mechanisms used, generates random numbers. The accumulator is more than storage but also increments values. The transformation units of Nakamura are instruction decoders, which sequentially supply data when it is read in and out. Nakamura does require dual decoders, which "perform a single, meaningful processing". The storage areas for the two types of

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instructions are in odd and even addresses, which in turn are sent to the decision making unit (Nakamura's selecting circuit). As cycle data is read in, the storage is then for transformed information. The same is similarly true regarding the accessory data. The selecting circuit, in conjunction with other features aid in the facilitation of data transformation. The decision to terminate or switch to a next cycle during the encoding process is determined by the control circuit, which relies on signal data to make such a determination. Finally the commutator of Nakamura is the data bus which routes data to the input and output units for processing. (see column 3, lines 1 – 14, 22 – 27; column 4, lines 12 – 15, 38 - 47; Figures 1 and 7)

For claim 20, the Applicants argue that Nakamura does not teach the limitations "isolating the accessory data (F_i) for the transformation cycle (i) from the accessory data array ($F = \{F_1, F_2, \dots, F_n\}$)", "recovering the cycle data (C_i), which is transformed in the respective transformation cycle by using the selected characteristic function and the accessory data (F_i) for the transformation cycle (i)", "deciding between switching to the next transformation cycle or terminating the transformation" and, "using in each transformation cycle (i) a respective part of the accessory data (F_i), wherein recovered data is formed in the respective transformation cycle as a result of transformation with the use of the selected characteristic".

However, the Examiner believes that in Nakamura the discriminating unit isolates differing instructions based on signal data received. Differing instructions inputted as such will yield different data when processed, and the discriminating unit will segregate the instruction from different cycles. The control circuit in conjunction with other devices determines the flow and direction of cycles. Selected characteristics of encoded information are also considered in accordance with selecting a decoder as instructions are routed according to its type. The successful decoding of instructions requires not only the proper decoding formats but also the correct controlling format. (see column 3, lines 42 - 66; column 4, line 62 – 66)

For claim 21 and similarly claim 22, the Applicants' contend that Nakamura fails to teach the additional feature "recovering a current communication, as a result of transformation using the selected characteristic function, in the current transformation cycle, the length of which is larger than or equal to the length of a previous communication resulting from transformation in the previous transformation cycle."

However, the Examiner respectfully disagrees because Nakamura teaches the use of address bits and the data (cycle data) is read in at a specific length and read out at the corresponding or differing lengths. Therefore depending on the data being read, the lengths are variable as in Applicant's claimed invention (see column 2, lines 65 – 67; see column 3, lines 18 – 22 and 30 – 33; column 8, lines 39 – 40).

As for claim 23, Applicant argues that Nakamura does not recite the additional feature "wherein the cycle data (C_i) transformed in the respective transformation cycle (i) and/or the accessory data (F_i) for the respective transformation cycle (i) are preliminarily unmixed during at least one transformation cycle."

Despite applicant's assertion regarding claim 23, Nakamura teaches that before transformation begins, data is mixed. Decoding of instructions in the broadest interpretation would encompass unmixing instructions during a transformation cycle. (see column 3, lines 48 – 67)

In reference to Applicants' arguments regarding claim 24 that Nakamura disclose "a storage for accessory information in electrical communication with the input unit, the storage for accessory information adapted to store an accessory data array ($F = \{F_1, F_2, \dots, F_n\}$)", "a storage for transformed information in electrical communication with the input unit, the storage for transformed information adapted to store cycle data (C) corresponding to a transformation cycle (i) of a number (n) of transformation cycles", "a decision making unit in electrical communication

with the database, the storage for transformed information and the storage for accessory information, the decision making unit adapted for making a decision between termination of the decoding process or switching to the next transformation cycle of decoding, and for outputting corresponding instructions", and "a commutator in communication with the storage for accessory information and adapted to receive instruction from the decision making unit, the commutator configured to output cycle data (C_i) to the transformation unit unless instructions to terminate the decoding process are received from the decision making unit", the Examiner respectfully disagrees.

In response to these arguments, Nakamura teaches that the accumulator that is coupled to the control circuit, which controls the activities of mechanisms used, generates random numbers. The accumulator is more than storage but also increments values. The transformation units of Nakamura are instruction decoders, which sequentially supply data when it is read in and out. Nakamura does require dual decoders, which "perform a single, meaningful processing". The storage areas for the two types of instructions are in odd and even addresses, which in turn are sent to the decision making unit (Nakamura's selecting circuit). As cycle data is read in, the storage is then for transformed information. The same is similarly true regarding the accessory data. Furthermore, according to applicant's specification and claim language, equating storages for accessory information and transformed information to the existence of memory e.g. read only memory (ROM) is a reasonable equivalent in view of the broadest reasonable interpretation. The selecting circuit, in conjunction with other features aid in the facilitation of data transformation. The decision to terminate or switch to a next cycle during the encoding process is determined by the control circuit, which relies on signal data to make such a determination. Finally, the commutator of Nakamura is the data bus which routes data to the

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input and output units (and is therefore connected to these devices) for processing. (see column 3, lines 1 – 14, 22 – 27; column 4, lines 12 – 15, 38 - 47; Figures 1 and 7)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 13 – 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura in US Patent 4,905,277 (hereinafter US '277).

6. For claim 13, US '277 discloses:

A method for transforming data, comprising encoding the data prior to transferring the data via a communication system or storage in a memory, the encoding comprising the steps of:

generating preliminary data related to a plurality of characteristic functions for transforming values of an initial information of a full set of symbols into encoded data;

determining a number (n) of cycles for transformation of initial data under a predetermined criterion;

realizing cycle (i) for transformation which comprises:

generating a random number (R_i) which determines a characteristic function used for transformation of the data in the current transformation cycle (i);

transforming the data using the selected characteristic function; repeating cycle (i) for transformation the number (n) times;

forming a cycle data (C_i) and an accessory data (F_i) as a result of transformation of the initial data in each cycle (i); forming an encoded data having two parts, wherein the first part

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includes a finally transformed data (C_n) and the second part includes an accessory data array ($F = \{F_1, F_2, \dots, F_n\}$). (see column 2, lines 34 – 36, and lines 44 – 54; column 3, lines 18 – 22)

For claim 14, US '277 discloses:

The method according to claim 1, wherein the length of the cycle data (C_i) is shorter than or equal to the length of the initial data, the predetermined criterion determines the length of the finally transformed data (C_n), and the length of the finally transformed data (C_n) is shorter than the length of the initial data. (see column 2, lines 65 – 67; column 3, lines 18 – 22)

For claim 15, US '277 discloses:

The method according to claim 1, wherein the length of the cycle data (C_i) is shorter than, equal to, or longer than the length of the initial data, the predetermined criterion determines the length of the finally transformed data (C_n) and/or the degree of protectability of the encoded data, and the length of the finally transformed data (C_n) is shorter than, equal to, or longer than the length of the initial data. (see column 2, lines 65 – 67; column 3, lines 18 – 22)

For claim 16, US '277 discloses:

The method according to claims 13, 14, or 15, wherein the cycle data (C_i) transformed in the cycle (i) and/or the accessory data (F_i) for the cycle (i) are mixed during at least one transformation cycle. (see column 7, lines 45 – 47)

For claim 17, US '277 discloses:

The method according to claims 13, 14, or 15, wherein a certain part of the accessory data (F_i) for the cycle (i) is added to the cycle data (C_i) transformed in the cycle (i) during at least one transformation cycle. (see column 7, lines 45 – 47)

For claim 18, US '277 discloses:

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The method according to claim 16, wherein a certain part of the accessory data (F_i) for the cycle (i) is added to the cycle data (C_i) transformed in the cycle (i) during at least one transformation cycle. (see column 7, lines 45 – 47)

For claim 19, US '277 discloses:

A device for encoding data, comprising:

- an input unit for entering preliminary generated information related to characteristic functions, initial data, and a number (n) of transformation cycles;

- a database in electrical communication with the input unit, the database including a plurality of the characteristic functions for transforming the initial data into encoded data;

- a decision making unit in electrical communication with the input unit, the decision making unit adapted for making a decision on termination of the encoding process or on switching to the next cycle of encoding, and for outputting corresponding commands;

- a transformation unit in electrical communication with the input unit and the database, the transformation unit adapted to transform information during each transformation cycle and output cycle data (C_i) and accessory data (F_i);

- a random number generator, electrically disposed between the decision making unit and the database, for generating a random number (R_i) and outputting the feature (R_i) to the database;

- a storage for transformed information for storing cycle data (C_i) inputted from the transformation unit, the storage for transformed information connected to the decision making unit for communication therewith;

- a storage for accessory information for storing accessory data (F_i) inputted from the transformation unit into an accessory data array ($F = \{F_1, F_2, \dots, F_n\}$), the storage for accessory

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information in electrical communication with the decision making unit for receiving instructions therefrom;

a commutator having an at least one input and an at least one output, the at least one input for receiving instructions from the decision making unit and for receiving cycle data (C) from the storage for transformed information, the commutator adapted to output the cycle data (C_i) to the transformation unit unless instructions to terminate the encoding process are received from the decision making unit; and

an output unit having an at least one output unit input adapted to receive finally transformed data (C_n) from the commutator, the at least one output unit input also adapted to receive the accessory data array ($F = \{F_1, F_2, \dots, F_n\}$) from the storage for accessory information, the output unit having an at least one output unit output for outputting finally transformed data (C_n) and the accessory data array ($F = \{F_1, F_2, \dots, F_n\}$). (see column 2, lines 40 – 51; column 3, lines 23 – 24)

For claim 20, US '277 teaches:

A method for decoding encoded data based on a number (n) of transformation cycles, the method comprising the steps of:

generating preliminary data related to a plurality of characteristic functions that transform values of encoded symbols used with a particular type of encoded data with initial symbols, which correspond to characteristic functions used at encoding;

extracting a random number (R_i) from the encoded data, wherein the random number (R_i) defines the characteristic functions used in a transformation cycle (i) and which connects values of the encoded data with concrete symbols of cycle data (C_i) of the current transformation cycle;

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selecting the characteristic function for connecting the values of the encoded data with the concrete symbols of the cycle data (C_i) of the current transformation cycle;

extracting from an accessory data array ($F = \{F_1, F_2, \dots, F_n\}$) an accessory data (F_i) for the transformation cycle (i);

transforming the cycle data (C_i) using the selected characteristic function and the accessory data (F_i) for the transformation cycle (i);

deciding between switching to the next transformation cycle or terminating the transformation;

isolating the accessory data (F_i) for the transformation cycle (i) from the accessory data array ($F = \{F_1, F_2, \dots, F_n\}$);

recovering the cycle data (C_i), which is transformed in the respective transformation cycle by using the selected characteristic function and the accessory data (F_i) for the transformation cycle (i);

deciding between switching to the next transformation cycle or terminating the transformation; and

using in each transformation cycle (i) a respective part of the accessory data (F_i), wherein recovered data is formed in the respective transformation cycle as a result of transformation with the use of the selected characteristic. (see column 9, lines 24 – 30, 35 – 49, 52 – 65)

For claim 21, US '277 teaches:

A method according to claim 20, further comprising recovering a current communication, as a result of transformation using the selected characteristic function, in the current transformation cycle, the length of which is larger than or equal to the length previous communication resulting from transformation in the previous transformation cycle. (see column 9, lines 1 – 5)

For claim 22, US '277 discloses:

A method according to claim 20, further comprising recovering a current communication, as a result of transformation using the selected characteristic function, in the current transformation cycle, the length of which is larger than, equal to, or smaller than the length of a previous communication resulting from transformation in the previous transformation cycle. (see column 9, lines 6 – 9)

For claim 23, US '277 teaches:

The method according to claims 20, 21 or 22, wherein the cycle data (C_i) transformed in the respective transformation cycle (i) and/or the accessory data (F_i) for the respective transformation cycle (i) are preliminarily unmixed during at least one transformation cycle. (see column 10, lines 21 – 45)

For claim 24, US '277 teaches:

A device for decoding data, comprising:

- an input unit for receiving encoded information;
- a database in electrical communication with the input unit, the database including a plurality of the characteristic functions for transforming initial data into encoded data;
- a storage for accessory information in electrical communication with the input unit, the storage for accessory information adapted to store an accessory data array ($F = \{F_1, F_2, \dots, F_n\}$);
- a storage for transformed information in electrical communication with the input unit, the storage for transformed information adapted to store cycle data (C_i) corresponding to
- a transformation cycle (i) of a number (n) of transformation cycles; a transformation unit in electrical communication with the database, the storage for transformed information and the storage for accessory information, the transformation unit configured for transforming information in each transformation cycle;

a decision making unit in electrical communication with the database, the storage for transformed information and the storage for accessory information, the decision making unit adapted for making a decision between termination of the decoding process or switching to the next transformation cycle of decoding, and for outputting corresponding instructions;

a commutator in communication with the storage for accessory information and adapted to receive instruction from the decision making unit, the commutator configured to output cycle data (C_i) to the transformation unit unless instructions to terminate the decoding process are received from the decision making unit; and

an output unit having in electrical communication with the commutator for receiving a restored communication and outputting finally decoded information. (see Figure 1; column 2, lines 45 – 50; column 10, lines 6 – 33 and 50 – 68; column 11, lines 1 – 11)

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miller et al. in US Patent No. 5680462 discloses ideas parallel to applicant's claimed invention.
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley
Examiner
Art Unit 2132

26 May 2006

LL


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